

Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ROBERT BOULE,

Plaintiff,

v.

ERIK EGBERT and JANE DOE EGBERT
and their marital community,

Defendants.

No. 2:17-cv-00106-RSM

DECLARATION OF GEOFFREY M.
GRINDELAND IN SUPPORT OF AGENT
EGBERT'S MOTION FOR SUMMARY
JUDGMENT

NOTED ON MOTION CALENDAR:
July 27, 2018

ERIK EGBERT,

Counterclaimant,

v.

ROBERT BOULE,

Counterdefendant.

I declare under penalty of perjury under the laws of the United States that I am over the
age of 18 and am otherwise competent to testify, and that the following is true and correct.

1. I am one of the attorneys for Agent Egbert in this matter.

DECLARATION OF GEOFFREY M. GRINDELAND IN SUPPORT
OF AGENT EGBERT'S MOTION FOR SUMMARY JUDGMENT
(No. 2:17-cv-00106-RSM) - 1

LAW OFFICES OF
MILLS MEYERS SWARTLING P.S.
1000 SECOND AVENUE, 30TH FLOOR
SEATTLE, WASHINGTON 98104
TELEPHONE (206) 382-1000
FACSIMILE (206) 386-7343

1 2. Attached as **Exhibit A** are copies of excerpts from the transcripts of the
2 deposition of Robert Boule taken March 9, 2018, and May 31, 2018.

3 3. Attached as **Exhibit B** are copies of excerpts from the transcript of the
4 deposition of former Supervisory Border Patrol Agent Kenneth Anderson taken June 1, 2018.

5 4. Attached as **Exhibit C** are copies of excerpts from the transcripts of the
6 deposition of Border Patrol Agent Philip Olson taken April 5, 2018, and June 1, 2018.

7 Signed this 5th day of July 2018 at Seattle, Washington.

8
9 By: 

10 Geoffrey M. Grindeland
11
12
13
14
15
16
17
18
19
20
21
22
23

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to:

Brean Lawrence Beggs: bbeggs@pt-law.com, hhoffman@pt-law.com, lsswift@pt-law.com

Gregory Donald Boos: gdboos@cascadia.com, gdboos@gmail.com

W. Scott Railton: srailton@cascadia.com

Kristin Berger Johnson: kristin.b.johnson@usdoj.gov, amy.hanson@usdoj.gov,
CaseView.ECF@usdoj.gov, ECF-Civ.USAWAW@usdoj.gov, hana.yiu@usdoj.gov

I further certify that I mailed a true and correct copy of the foregoing to the following non-CM/ECF participants by U.S. Mail:

N/A

DATED: July 5, 2018

s/Karrie Fielder

Karrie Fielder

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT BOULE,)	
Plaintiff,)	
)	
vs.)	2:17-cv-00106-RSM
)	
ERIK EGBERT and JANE DOE)	
EGBERT and their marital)	
community,)	
Defendants.)	

ERIK EGBERT,)	
Counterclaimant,)	
)	
vs.)	
)	
ROBERT BOULE,)	
Counterdefendant.)	



DEPOSITION UPON ORAL EXAMINATION OF

ROBERT JOSEPH JOHN BOULE

(CONTAINS CONFIDENTIAL TESTIMONY SUBJECT TO PROTECTIVE
ORDER AND FOR ATTORNEYS' EYES ONLY)

10:30 A.M.

March 9, 2018

CASCADIA CROSS-BORDER LAW

1305 11th Street, Suite 301

BELLINGHAM, WASHINGTON

REPORTED BY: JUDY BONICELLI, RPR, CCR 2322



1 clean up to the amount of rooms it is licensed for
2 today.

3 Q. And you've been the sole owner of the property
4 since you bought it in 2000?

5 A. Yes, yes.

6 Q. And you call your business the Smuggler's Inn,
7 correct?

8 A. Smuggler's Inn Bed and Breakfast.

9 Q. Is the business incorporated?

10 A. No. It's a sole proprietor.

11 Q. So it's your sole proprietorship doing
12 business as Smuggler's Inn Bed and Breakfast?

13 A. That's correct.

14 Q. When did you first notice people crossing the
15 border via your property?

16 A. Probably within the first 90 days, and again,
17 it was not them crossing the property. It was people
18 in the yard, on the property; and we would question
19 them, you know, "Can we help you? What are you doing
20 in our yard?" That type of thing.

21 Q. And what -- do you recall the first person you
22 found in your yard?

23 A. I do not.

24 Q. Do you recall why they said they were in your
25 yard?



1 A. A lot of people were just -- at that point we
2 were fixing up the yard, fixing up the house, and they
3 said that they were curious on what was going on in the
4 house. Some of them were neighbors. Some of them did
5 not identify themselves. When we bought the house,
6 blackberries were up, the lawn was waist high, and so
7 any time that anything is done, you have people,
8 looky-loos, coming to see what was going on.

9 Q. But within the first 90 days of owning the
10 property, you became aware that there were sometimes
11 people crossing the border via the property, right?

12 A. Yes.

13 Q. Both directions north and south?

14 A. North and south.

15 Q. And you're aware that became a much bigger
16 deal after the terrorist attacks in September of 2001,
17 right?

18 A. Dramatically. We had a driveway that went
19 both ways when I bought the property. They had a
20 Canadian vehicle that they parked on the Canadian side,
21 and he worked -- the previous owner worked in downtown
22 Vancouver, and they had an American car on the U.S.
23 side. And we used to walk and have coffee with the
24 neighbors across the street. 911 hit, and that no
25 longer was something that we could do.



1

8

Q. Have you ever alerted government agents that

9

you thought someone was smuggling drugs?

10

A. Yes.

11

Q. When is the last time you did that?

12

A. That's an ongoing situation. We had drugs in

13

our home in November of this year. Gentleman came in

14

with \$500,000 worth of drugs in a duffle bag. He then

15

left and said he was going to get another duffle bag.

16

We called the agent in charge to let them know that it

17

was ongoing.

18

The home [sic] then had 19 ICE agents search

19

the home. There were four on the Canadian side and

20

four outside. He did not return. They -- he -- they

21

asked if the drugs were mine, and I told them -- or if

22

the backpack was mine, and I told them no. And they

23

asked for permission to open the backpack or the duffle

24

bag and -- which they did, and they seized the drugs

25

inside. And then they took the duffle bag.



1 swimming, rifle range, regular scout camp activities.

2 Q. When was the last time you were in touch with
3 Mr. Locke?

4 A. Within the last three years.

5 Q. On what occasion?

6 A. Let's see, it was after he had been appointed
7 ambassador to China, and he is working with a law firm
8 that my goddaughter's husband is managing partner in
9 Portland. And he -- it's Davis Wright Tremaine, and
10 Gary is working with Oregon wine industry to work with
11 getting wine from Oregon into China, as well as other
12 items with the State of Washington.

13 Q. Has Mr. Locke ever helped you with your
14 business in any way?

15 A. Yes.

16 Q. In what way?

17 A. Gary and I have been good friends for many,
18 many years, and his parents -- he's got a wonderful
19 sense of humor, and I was turned down for a license
20 application.

21 And so I gave Gary a phone call and asked him
22 if he could intercede in my behalf for a favor, and he
23 said he would try and was able to get the license plate
24 that I wanted.

25 We got a call from the head of the Department



1 of Licensing, and he was a little bit upset with me,
2 but they -- couple weeks later, we received the license
3 plate S-m-u-g-l-e-r, and that's on my vehicle today.

4 Q. So when you first -- you applied for a vanity
5 plate?

6 A. Yes, and we were turned down.

7 Q. A vanity plate S-m u-g-l-r?

8 A. L-e-r.

9 Q. S-m-u-g-l-e-r.

10 A. Right.

11 Q. Smugler but with only one G?

12 A. Right.

13 Q. Is that because two Gs won't fit?

14 A. That's correct.

15 Q. And the Department of Licensing rejected the
16 application at first?

17 A. They did, yes.

18 Q. Why? Why did they reject it?

19 A. They didn't feel that it was appropriate.

20 Q. Because it implied criminal activity?

21 A. They didn't say that. They just said that
22 they didn't think that it fit the vanity plate program
23 that they were putting out, and we were able to -- Gary
24 was able to ask them to put it through, and it went
25 through.



1 with the room. So we have -- if they are in a \$350
2 room, it may be 250 and a hundred for the shuttle
3 pickup to create that 350.

4 Q. What's the most you've ever charged for a
5 room, Mr. Boule?

6 A. We charge for weddings, for a total package of
7 everything at the property, and it depends on if they
8 get tables and chairs and setup and the shuttle
9 service. It just depends on what the activity is.

10 Q. Okay, I'm asking about a guest room. For a
11 night's stay in a guest room, what is the most you've
12 ever charged?

13 A. 700.

14 Q. Which room was that for?

15 A. It can be the Dirty Dan Harris. It can be the
16 Office Suite. It can be the Carriage House, and the
17 Carriage House sleeps up to 30. We do sports teams
18 that we will do 55 dollars a night per person.

19 And so we can get up to -- if we have 30
20 people in the room, including breakfast, there could be
21 up to 1650 that they would pay for the room, \$55 each
22 times 30.

23 Q. And they would stay in a group like that would
24 stay in the Office Suite or the Carriage House?

25 A. Yes.



1 A. Yes.

2 Q. Do you know how much Semiahmoo Resort charges
3 for a bed with a King bed in it and a private bath?

4 A. Normally 169 to 350.

5 Q. So you sometimes charge more than Semiahmoo
6 Resort for a similar room?

7 A. Yes.

8 Q. How come?

9 A. If we have the Zach Brown Band at our
10 location, they will rent out the whole thing. They
11 want privacy. They want exclusivity for the rooms, and
12 we are able to provide that. There are high-end guests
13 that want more privacy than what Semiahmoo can provide
14 having 199 rooms.

15 Q. Do you monitor your on-line reviews on Yelp?

16 A. I look at them. I don't monitor them. I
17 don't worry about them. Some are good, and some are
18 not.

19 Q. You've seen some of the bad reviews --

20 A. Yes.

21 Q. -- on Yelp?

22 A. Yes.

23 Q. Do you remember what issues reviewers
24 complained about?

25 A. We had two nurses that complained, and they



1 Q. All right, let's go off the record.

2 (Recess taken 2:44 p.m. to 2:49 p.m.)

3 (Exhibit No. 6 marked for
4 identification.)

5 BY MR. GRINDELAND:

6 Q. Mr. Boule, handing you what has been marked as
7 Exhibit 6 to your deposition, is that a photo of what
8 you call the Carriage House at the Smuggler's Inn?

9 A. Yes.

10 Q. The backside, so from like you're standing on
11 Zero Avenue?

12 A. Yes.

13 Q. And what part -- tell me about the Carriage
14 House. I know you have a large guest room you call the
15 Carriage House room, right?

16 A. Uh-huh.

17 Q. Is that on the ground floor or the second
18 floor?

19 A. The Carriage House room is on the ground
20 floor.

21 Q. What is on the second floor?

22 A. The Office Suite and then the bar.

23 Q. Does anyone reside in the Carriage House?

24 A. It depends on what time of year.

25 Q. What times of year does somebody reside in the



1 Carriage House?

2 A. When we rent it out. Whether it be weekly or
3 monthly, or we have rented it out a year at a time. We
4 do it during the summer monthly. We do it by the day.
5 It depends on what the economy is.

6 Q. Was anybody renting the Carriage House back in
7 March of 2014?

8 A. Yes.

9 Q. Who?

10 A. Jason Surowiecki and Hope Wolf were up in the
11 Carriage House -- in the Office Suite.

12 Q. I didn't hear Hope's last name.

13 A. Wolf.

14 Q. Is there an E on the end of Wolf?

15 A. No.

16 Q. Do you know if Ms. Wolf saw or heard any of
17 the events that this lawsuit is about?

18 A. No. She was at work that day.

19 (Exhibit No. 7 marked for
20 identification.)

21 BY MR. GRINDELAND:

22 Q. Handing you what has been marked as Exhibit 7
23 to your deposition, do you recognize that to be a photo
24 of the Smuggler's Inn, right?

25 A. Yes.



1 Q. And was it clear to you that Agent Egbert had
2 told you to get out of his way so he could talk to
3 Mr. Fikert?

4 A. Yes.

5 Q. And you clearly told him no?

6 A. No.

7 Q. "I'm not getting out of your way"?

8 A. Right.

9 Q. Then he grabbed you by your chest, by the
10 clothing on your chest?

11 A. Yes.

12 Q. Lifted you up off the ground and threw you
13 into the Yukon?

14 A. Yes.

15 Q. Threw you against the side of the Yukon?

16 A. Yes.

17 Q. Like the passenger door, is that what you're
18 saying?

19 A. That's where we were standing, yes.

20 Q. I'm sorry, I think I asked this, but I don't
21 remember what your answer was. How far away from the
22 Yukon were you standing when he picked you up?

23 A. Six to eight inches.

24 Q. So less than a foot?

25 A. Less than a foot.



1 Q. And when he threw you against the Yukon, did
2 he let go of you, or did he still hold onto you when
3 you were pressed up against the Yukon?

4 A. He let go of me. Then stepped back, and then
5 we stood there. And then he again -- you know, by that
6 time I was yelling at him trying to get a supervisor,
7 told him that he needed a warrant, he could not search
8 the vehicle without a supervisor present.

9 Q. You said you were yelling. You raised your
10 voice?

11 A. I was -- anybody that touches you and does
12 things like that -- and there is a whole lot more that
13 I can't say right now on what went on. There was
14 reasons why I was raising my voice and questioning what
15 was going on.

16 Q. Were you angry?

17 A. Sure.

18 Q. When you said that he picked you up off the
19 ground and threw you against the side of the Yukon, do
20 you mean you flew through the air that six to eight
21 inches?

22 A. He picked me up off the ground one to two
23 inches and threw me into the vehicle.

24 Q. So your feet were not touching the ground when
25 you hit the Yukon?



1 A. That's correct.

2 Q. But you hit the Yukon, he had let go of you,
3 and so you came down and landed on your feet at that
4 time?

5 A. At that time.

6 Q. And you yelled at Agent Egbert?

7 A. Yes.

8 Q. And you can't tell me what you yelled at him
9 right now, right? We'll do that next time when we have
10 ICE's permission.

11 A. That's fine.

12 Q. I'm just making sure that is right.

13 A. Yes.

14 Q. Did you say Agent Egbert grabbed you and
15 lifted you off the ground again?

16 A. No. He threw me to the right, to the ground.

17 Q. To your right or his right? Because you're
18 facing each other, correct?

19 A. As you're looking at the vehicle from the
20 passenger door to the passenger front fender. He threw
21 me to the ground.

22 Q. So you're on the passenger side of the car?

23 A. Yes.

24 Q. And he threw you towards the front of the car,
25 the front bumper?



1 A. Yes.

2 Q. So your left --

3 A. Yes.

4 Q. And his right?

5 A. Yes.

6 Q. Where did he grab you when he threw you to

7 your left?

8 A. The same location on my shoulder --

9 Q. Chest again?

10 A. Chest again.

11 Q. Did he lift you up off the ground that time or

12 just to the side?

13 A. I don't think he did. He threw me to the

14 ground.

15 Q. Did you have the impression that he was trying

16 to knock you to the ground or move you to the side?

17 A. I have no idea what was going on in his mind.

18 I knew that he was out of line. He had asked earlier

19 in the day about my health. He knew that I had had

20 surgery, and all of a sudden he went rogue and was all

21 over me. And no one should have the right to do that.

22 Period.

23 Q. What was the surface like where you were

24 parked?

25 A. Concrete.



1 Q. So you fell down on the concrete?

2 A. I fell to the concrete.

3 Q. What part of your body contacted the concrete?

4 A. The hip hit the concrete first, then my
5 shoulders and then my head.

6 Q. Left side of your body? Left hip?

7 A. It would be the left, yes.

8 Q. Do you think you recall hitting your head on
9 the concrete? Is that what you said?

10 A. When I got up, my head was on the ground.

11 Q. When Agent Egbert threw you to your left --
12 I'm sorry, shoved you to your left? What did you say?

13 A. He threw us to the ground.

14 Q. Your left hip contacted the concrete first?

15 A. Yes.

16 Q. Then did you say your left shoulder?

17 A. The left shoulder.

18 Q. And at some point you ended up laying on the
19 ground, including your head was now touching the
20 ground?

21 A. Right.

22 Q. Did you strike your head against the ground?

23 A. I don't know if I struck my head or if we were
24 just on the ground, and then, you know, adrenaline
25 kicked in again, and then we got up.



1 Q. But it was definitely the left side of your
2 body that contacted the ground?

3 A. Yeah.

4 Q. Did you -- you were wearing a hat and glasses,
5 right?

6 A. That's correct.

7 Q. Did your hat or glasses come off?

8 A. I don't know if the hat came off. I don't
9 think the glasses did.

10 Q. And you don't recall having to pick your hat
11 up off the ground, do you?

12 A. No, but there was so much going on at that
13 particular time, whether I remembered or didn't
14 remember picking up my hat is a moot point.

15 Q. Did you immediately get up from the ground --

16 A. Yes.

17 Q. -- after you were knocked down?

18 A. Yes.

19 Q. What happened then?

20 A. Adrenaline kicked in. We called 911 again,
21 trying to get a supervisor.

22 Q. What was Agent Egbert doing when you dialed
23 911 the second time?

24 A. He was trying to get in to talk to the
25 gentleman.



1 and blocking our driveway.

2 Q. I'm talking about on March 20, 2014, did he --

3 A. Not on that day, no.

4 Q. We're talking over each other which makes it
5 hard for the court reporter. So I'm sorry about that,
6 I'll slow down.

7 On March 20th, 2014, did Agent Egbert ever
8 block you in your driveway?

9 A. No. But he was in our driveway.

10 Q. I understand, yeah.

11 A. It's one of those things that we have never
12 had a Border Patrol agent in 17 years, when we asked
13 for a supervisor, not had the agent go back to his car
14 and call for a supervisor. At no point was anybody
15 going anywhere.

16 And so the common practice of Border Patrol
17 agents is not to be on their own, but if we question
18 what is going on, a supervisor is brought to the
19 property for not only his safety but the safety of
20 people around him.

21 (Exhibit No. 8 marked for
22 identification.)

23 BY MR. GRINDELAND:

24 Q. Handing you what has been marked as Exhibit 8
25 to your deposition, and feel free to page through it.



I, Robert Joseph John Boule, have read the within transcript taken March 9, 2018, and the same is true and accurate except for any changes and/or corrections, if any, as follows:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper has a slight shadow on the right side, suggesting it's resting on a surface.

1 REPORTER'S CERTIFICATE

2
3 I, JUDY BONICELLI, CCR No. 2322, Certified
4 Shorthand Reporter, pursuant to RCW 5.28.010 certify:

5 That the foregoing proceedings were taken before
6 me at the time and place therein set forth, at which
7 time the witness was put under oath by me;

8 That the testimony of the witness, the questions
9 propounded, and all objections and statements made at
10 the time of the examination were recorded
11 stenographically by me and were thereafter transcribed;

12 That the witness wishes to read and sign;

13 That the foregoing is a true and correct
14 transcript of my shorthand notes so taken.

15 I further certify that I am not a relative or
16 employee of any attorney or of any of the parties, nor
17 financially interested in the action.

18 I declare under the penalty of perjury under the
19 laws of the State of Washington that the foregoing is
20 true and correct.

21 WITNESS MY HAND and DIGITAL SIGNATURE this 17th
22 day of March, 2018.

23 *Judy Bonicelli*

24 JUDY BONICELLI, RPR, CCR
25 Washington Certified Court Reporter, CCR 2322



UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ROBERT BOULE,)
)
Plaintiff,)
)
vs.) No. 2:17-cv-00106-RSM
)
ERIK EGBERT and JANE DOE)
EGBERT and their marital)
community,)
)
Defendants.)

ERIK EGBERT,)
)
Counterclaimant,)
)
vs.)
)
ROBERT BOULE,)
)
Counterdefendant.)



DEPOSITION UPON ORAL EXAMINATION OF
ROBERT BOULE
VOLUME 2

(CONTAINS CONFIDENTIAL TESTIMONY SUBJECT TO
PROTECTIVE ORDER AND FOR ATTORNEYS' EYES ONLY)

10:40 A.M.

MAY 31, 2018

1305 11TH STREET, SUITE 301

BELLINGHAM, WASHINGTON

REPORTED BY: LESLIE POST, CCR No. 2378



1 A. No. It was Canadian Customs.

2 Q. Did the arrest occur at the point of entry?

3 A. Yes.

4 MR. BOOS: As a point of clarification,
5 Geoff, I believe the initials that Bob can't remember
6 are CBSA, Canadian Border Services Agency, or
7 something like that.

8 MR. GRINDELAND: Thank you.

9 Q. (By Mr. Grindeland) Have you been formally
10 charged up in Canada?

11 A. I have been charged with crimes for
12 allegedly organizing entry of nine refugee claimants
13 into Canada.

14 Q. Is that the title of the charge, or is it
15 human trafficking?

16 A. I have been charged with a crime or crimes
17 for allegedly organizing the entry of nine refugee
18 claimants into Canada.

19 Q. What are you reading from right now?

20 A. What's that?

21 Q. You're reading that answer off a piece of
22 paper.

23 What are you reading?

24 A. My personal notes.

25 Q. They're notes that you made for yourself?



1 A. It's a combination, yes.

2 Q. Can I see that, please?

3 Whose handwriting is on --

4 A. That's mine.

5 Q. Is this your handwriting up here, "Kristin
6 Johnson"?

7 A. Yes.

8 Q. Did you meet with Ms. Johnston before the
9 deposition today?

10 A. I did.

11 Q. For how long?

12 A. Probably ten minutes.

13 Q. Did you discuss these Canadian charges with
14 her?

15 A. Not in detail, no.

16 Q. Did Ms. Johnson give you some suggestions
17 about how to answer my questions about the charges?

18 A. No.

19 Q. What did you talk with Ms. Johnson about for
20 ten minutes this morning?

21 MR. BOOS: Objection, that's attorney-client
22 privilege, I believe.

23 Q. (By Mr. Grindeland) Does Assistant
24 U.S. Attorney Kristin Johnson represent you,
25 Mr. Boule?



1 any of the evidence against you?

2 A. Not at this time, not evidence.

3 Q. Did you tell me that these charges relate to
4 nine individuals? Is that what you said?

5 A. Yes.

6 Q. And those are nine individuals who allegedly
7 crossed the border from the United States into Canada?

8 A. They are nine refugee claimants into Canada.

9 Q. Do you know who those individuals are?

10 A. I do not.

11 Q. You don't know their names?

12 A. I do not recall.

13 Q. What time period are you accused of having
14 helped these people enter Canada?

15 A. I do not recall.

16 Q. Did it allegedly occur within the past year?

17 A. I don't recall the time period.

18 Q. You don't recall the events or you don't
19 recall what you've been told about the charges against
20 you?

21 A. Both.

22 Q. Have you helped people enter Canada outside
23 of official ports of entry?

24 A. Based on advice of counsel, I'm exercising
25 my right under the Fifth Amendment not to answer that



1 question.

2 Q. Have you been paid by people who you know
3 were trying to enter Canada outside of an official
4 point of entry?

5 A. Based on the advice of counsel, I'm
6 exercising my right under the Fifth Amendment not to
7 answer that question.

8 Q. Have you assisted anyone traveling the other
9 direction, coming from Canada into the United States,
10 outside of an official point of entry?

11 A. No.

12 Q. Have you ever had someone cross the border
13 at your property from Canada into the United States
14 and then given them a ride somewhere?

15 A. We have had guests that got rides in our
16 vehicle that were stopped by Border Patrol and the
17 people were arrested, yes.

18 Q. You've actually had people who have walked
19 across the border onto your property and then you have
20 given them a ride in your vehicle off your property,
21 correct?

22 A. Yes.

23 Q. You were paid for that?

24 A. They paid for the night stay and the shuttle
25 service to the airport, yes.



1 Q. Sometimes you would charge them for a night
2 stay even if they didn't stay the night, correct?

3 A. That -- there's clarification on that. To
4 be in our vehicle as a shuttle, they have to be guests
5 of the Smuggler's Inn, otherwise I can't take them
6 anywhere. So the answer is yes. Everyone that rides
7 in our shuttle is a guest of the Smuggler's Inn.

8 Q. So for instance, there have been individuals
9 who have crossed the border illegally from Canada into
10 the United States to your property and then you
11 charged them for a night stay and gave them a ride
12 somewhere, even though they might have only been on
13 your property for a couple of hours at most?

14 A. Restate the question.

15 Q. You have had individuals cross the border
16 illegally from Canada to the United States to your
17 property, right?

18 A. Yes.

19 Q. You already told me some of those people you
20 have given rides further south to the airport or other
21 locations, right?

22 A. Yes.

23 Q. When you do that, you charge those
24 individuals both for a night stay at the Inn and for
25 the price of the ride, correct?



1 A. Yes.

2 Q. You charge them for a night stay even if
3 they're only on your property for an hour or two?

4 A. This is anyone that signs our register has
5 to have a room before they go in our vehicles.

6 Q. So you charge them for that?

7 A. Of course.

8 Q. Even if they're only on your property for an
9 hour?

10 A. It doesn't matter the amount of time. If
11 somebody gets a room, they have it for a 24-hour
12 period of time. How long they stay in it is their
13 business, not mine.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

25 Q. Did you refund the money that you've charged



1 the border crosser?

2 A. We do not. Once they have had a room, it
3 still has to be cleaned. We don't know if the people
4 aren't coming back to use that room. Once they have a
5 room that is registered, we have to hold it for or
6 have a room available for them.

7 Q. What about for the ride itself?

8 A. What's that?

9 Q. Do you refund the charge for the
10 transportation?

11 A. We don't refund anything if someone has been
12 arrested.

13 Q. So you charge hundreds of dollars for
14 transportation, right?

15 A. We charge rates on the limousine, on
16 vehicles at \$100 an hour, yes.

17 Q. You sometimes charge more than \$100 an hour?

18 A. Sometimes it's \$150.

19 Q. Does it depend on how many people you're
20 giving a ride to?

21 A. Or where you're going. Sometimes it's
22 considerably less. It just depends on the activity of
23 the vehicles.

24 Q. So you know where the Greyhound Station is
25 in Bellingham?



1 A. Yes.

2 Q. That's a place you sometimes transport these
3 border crossers to, correct, or at least that's where
4 you tell them you're taking them, right?

5 A. Go ahead and restate the question.

6 Q. Sometimes you charge people who have
7 illegally crossed the border coming south for a ride
8 to the Greyhound Bus Station in Bellingham, right?

9 A. Yes.

10 Q. And every time you do that, [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

15 Q. How much do you charge someone when you tell
16 them you're taking them to the Greyhound Bus Station
17 in Bellingham?

18 A. Eighty to \$100.

19 Q. Sometimes more?

20 A. Probably not very often.

21 Q. How much --

22 A. Sometimes it's just the price of the room.

23 Q. Then [REDACTED]
24 the border crosser gets apprehended within a few
25 blocks of the Smuggler's Inn?



1 A. That's correct.

2 Q. And nevertheless you keep the money you
3 charge them for a ride?

4 A. We have been told not to give money back.

5 Q. Who told you that?

6 A. We are a business. Any time somebody is at
7 the business and asks for services, that is what they
8 are paying for, nothing more. If -- we still have
9 to -- if you go to a motel and you pay and you decide
10 you don't want to stay, you are still charged for that
11 room. If you make a reservation for Semiahmoo and do
12 not show up, they take a 50 percent deposit and they
13 charge your credit card. We do nothing any different
14 than normal policies of any hotel/motel.

15 Q. Has any federal agent told you that's okay
16 what you're doing; "Go ahead and do that, keep the
17 money you charged"?

18 A. It's -- we have been -- it's not keeping the
19 money that we've charged. It's the rulings that the
20 money is ours for the evening stay.

21 Q. Let me ask it this way, Mr. Boule; have any
22 Border Patrol agents ever asked you to refund the
23 money to the person who's being arrested?

24 A. They have.

25 Q. And has any agent told you, "Don't listen to



1 them, you don't need to do that"?

2 A. Yes.

3 Q. Who?

4 A. I'm -- there has been several, and I do not

5 recollect exactly which ones have stated it. But it

6 has been the policy for 15 years [REDACTED]

[REDACTED] that they review the rules and our policies

8 and either accept them or don't. If they don't, we

9 change them. There have -- you know, it's just one of

10 those situations that you're asking questions, you

11 know, why would Border Patrol ask to refund the money,

12 it's none of their business. You know, the

13 business -- they are guests.

14 Q. Is Agent [REDACTED] one of the agents who

15 told you it's okay for you to keep the money you

16 charge?

17 [REDACTED]
[REDACTED]
[REDACTED]

20 Q. Including keeping money you've charged

21 aliens who get arrested?

22 A. That is -- he's aware that it's going on,

23 but he's also aware that it is the same policy as

24 Semiahmoo, it's the same policy at the Northwoods,

25 it's the same policy at the Hilton or the Marriott.



1 You're trying to create something that isn't
2 there.

3 Q. So last time we got together for your
4 deposition, there were some things that you declined
5 to answer until you got approval from ICE.

6 Do you remember that?

7 A. I do.

8 Q. And one of the things was the reason you
9 didn't want Border Patrol on your property back on
10 March 20th, 2014, the day of the incident with
11 Agent Egbert.

12 A. That's correct.

13 Q. So you told me before that you did not want
14 Border Patrol on your property, correct?

15 A. That's correct.

16 Q. Why is that?

17 A. [REDACTED]

[REDACTED] There have been times
19 that Border Patrol agents have not been extremely
20 clean as an agency. There are times that there is
21 drug crossings, there is drug activity, there is
22 arrest activity at the Smuggler's Inn. What they were
23 doing was encouraging drug situations and getting
24 information for any drug activity or talk of activity
25 on the property.



1 staying at your Inn, most of them are headed across
2 the border, walking across the border from your
3 property?

4 A. That's totally different than the question
5 you asked earlier.

6 Some of them are.

7 Q. In fact, the majority of the foreign
8 nationals, the aliens who come and check in at your
9 property are attempting to cross the border illegally,
10 correct?

11 A. I do not -- you know, based on the advice of
12 counsel, I'm exercising my right under the
13 Fifth Amendment not to answer that question.

14 Q. So for many of your guests who do cross the
15 border, ICE has no idea who they are until after
16 they're long gone, right?

17 A. I think you're incorrect on that.

18 Q. [REDACTED]
[REDACTED]

20 A. I think I've already explained that to you.

21 Q. The checking in at the airport for a flight,
22 is that --

23 A. They have the -- they have all the
24 information prior to and any information they want
25 they have. We have -- they are legal in the



1 Q. Okay. But lots of other times you have a
2 guest from a country like Afghanistan at
3 Smuggler's Inn, right?

4 A. That's correct.

5 Q. After you check them in and copy their

6 passport, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

6 Q. And sometimes that person then crosses the
7 border, right?

8 A. Based on the advice of counsel, I'm
9 exercising my right of the Fifth Amendment not to
10 answer that question.

11 Q. Okay. Hypothetically, if a person like that
12 crossed the border headed north, they then went north
13 before [REDACTED]

14 A. Based on advice of counsel, I'm exercising
15 my right under the Fifth Amendment not to answer that
16 question.

17 Q. So there may be individuals, even dangerous
18 people on a terrorist watch list, who are headed north
19 across the border from your property because nobody is
20 checking their identity, right?

21 A. Based on advice of counsel, I'm exercising
22 my right of the Fifth Amendment not to answer that
23 question.

24 Q. Last time we talked you told me about
25 damages claims, property damage claims, two of them



1 Q. You don't remember the specific
2 conversations you had with Agent Egbert either of
3 those first two times you encountered him on
4 March 20th?

5 A. He looked in the limo, opened the door and
6 looked in the limo. Whether he got in or just looked
7 in, I don't remember. But he was looking at the
8 vehicle.

9 Q. But you don't remember one way or the other
10 if you told him that you had a guest coming from
11 Turkey?

12 A. I don't recall that. I may have. But I
13 don't know for sure that I told him that.

14 Q. Okay.

15 A. Any time when you tell an agent that you're
16 picking somebody up at the airport, they know that
17 they've already cleared security before they're coming
18 in. So they have a passport and a visa, we know that
19 before they get in the car.

20 Q. Even after the second conversation with
21 Agent Egbert, you did not contact Border Patrol,
22 right?

23 A. No, no.

24 Q. Just Agent [REDACTED]?

25 A. [REDACTED]



1 A. No. He came over by that time and talked.

2 Q. So you tried calling 9-1-1. You got
3 somebody in Canada. He explained you needed to hang
4 up, try dialing again or dial direct to Customs and
5 Border Protection, right?

6 A. That's correct.

7 Q. Then you hung up and then began conversing
8 with Agent Egbert?

9 A. That's correct.

10 Q. So you never talked to the dispatcher, the
11 American dispatcher, until after the incident with
12 Agent Egbert had already occurred, correct?

13 A. That is correct.

14 Q. I think one of the things you told me last
15 time we met, you told me you couldn't talk about it
16 that time, was what you said to Agent Egbert.

17 A. Yes.

18 Q. So now you're authorized?

19 A. That's correct.

20 Q. So what did you say to Agent Egbert?

21 A. He said that he wanted to search the vehicle
22 and he wanted to talk to our guest. I told him -- I
23 stood in front of the door and I told him that he
24 needed to call a supervisor and I would allow him to
25 search the vehicle at that time. We also -- you know,



1 whether it was a supervisor or what. But I told him
2 that until the supervisor got there, he would have to
3 have a warrant to search the vehicle.

4 Q. This is not the first time that you have
5 told a Border Patrol agent "You don't search my
6 vehicle until you get a supervisor out here," right?

7 A. That's correct.

8 Q. You've done that before?

9 A. I've done that before. That was the first
10 time that I had asked for a warrant, because [REDACTED] had
11 told me to ask for a warrant.

12 Q. Was Agent [REDACTED] trying to protect
13 Mr. Fikert?

14 A. No. He was trying to protect me from having
15 agents being alone on our property after they've been
16 told not to be on the property. He felt that
17 something was out of the ordinary, there was a reason
18 why an officer would be not obeying Chief Luna's
19 directive not to be on the property.

20 Q. So you still had not collected any money
21 from Mr. Fikert at this point, is that right?

22 A. That's correct.

23 Q. He had not paid for his ride from Sea-Tac?

24 A. That's correct.

25 Q. He had not yet paid you for his stay at the



1 Inn?

2 A. That's correct.

3 Q. Is part of the reason you didn't want
4 Agent Egbert talking to Mr. Fikert because of that,
5 you were afraid he was going to get arrested before he
6 paid you?

7 A. No. I did not want any agent to be alone
8 and searching our vehicles, especially for the third
9 time in a day. It was so out of character from what
10 they were supposed to be doing, that we just felt that
11 there was something wrong.

12 Q. The last time we met you admitted that you
13 began yelling at Agent Egbert, right? You raised your
14 voice and were yelling at him?

15 A. That was after he picked me up and threw me
16 against the vehicle.

17 Q. Okay. And then you said that there's a
18 whole lot more you can't say right now about what went
19 on, that there were reasons you were raising your
20 voice.

21 A. That's correct.

22 Q. But you couldn't tell me then.

23 So what are those reasons?

24 A. The reason that I couldn't tell you was that
25 [REDACTED], they have



1 and call for a supervisor. He took action, then, into
2 his own hands. There was not a second officer there.
3 There was officers up the street that could have been
4 there. The Yukon was blocked in. It wasn't going
5 anywhere. The guest wasn't going anywhere. There
6 wasn't any reason for him to touch me or to throw me
7 to the ground, none at all.

8 Q. But it was crystal clear to you that he
9 would have preferred you step aside and let him
10 contact --

11 A. I don't think it was --

12 Q. -- the guest?

13 A. -- crystal clear on anything. The whole
14 thing was fuzzy on why he was there. He could not
15 explain why he was there. He did not explain why he
16 was there.

17 Q. You've already testified very clearly,
18 Mr. Boule, that you understood Agent Egbert wanted to
19 contact the guest in the back of the Yukon, right?

20 A. That's correct.

21 Q. And you stepped in front of the passenger
22 door to prevent him from doing that, right?

23 A. Yes.

24 Q. It was clear to you at that point you
25 weren't being detained, right? You were free to walk



1 away from the Yukon, and in fact, Agent Egbert would
2 have preferred that you do that, walk away and leave
3 him alone, correct?

4 A. That's correct. But again, it goes right
5 back to what was he doing there. And when he talks
6 about searching a vehicle for the third time without
7 someone there, I had no idea what or why he was going
8 to do what he did.

9 Q. You had no idea why a Border Patrol agent
10 might be trying to do his job, is that what you're
11 telling me?

12 A. No. You're saying something that isn't --
13 in fact, we had been told that that particular Border
14 Patrol agent, none of them were to be on the property
15 without a call. I asked if a call had been made, if
16 he was responding to a call. And he was not. And so
17 anything beyond that, he was doing something that was
18 different than the protocol that was set up by his
19 superiors and ICE.

20 Q. Your understanding of the protocol?

21 A. That's correct.

22 Q. How many guns do you own?

23 A. At this time, I have no idea.

24 Q. Approximately how many guns do you own?

25 A. More than three and less than ten.



1 for identification.)

2 Q. (By Mr. Grindeland) So do you recognize

3 Exhibit 12 to be a printout of [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

16 Q. Do you see in Exhibit 12 where you tallied

17 up the number of guests staying at the Inn during a

18 three-month period?

19 A. That's correct.

[REDACTED]

[REDACTED]

[REDACTED].

23 Q. And you tallied up over a three-month period

24 you had 163 guests, correct?

25 A. That's correct.



1 Q. And 47 of them were from Afghanistan?

2 A. Uh-huh.

3 Q. Yes?

4 A. Yes.

5 Q. Thirty-one from Pakistan?

6 A. Yes.

7 Q. Thirteen from Yemen?

8 A. Yes.

9 Q. You had ten from the United States, right?

10 A. Yes.

11 Q. And how many of these 163 guests over that

12 three-month period crossed the border north into

13 Canada?

14 A. Based on the advice of counsel, I'm

15 exercising my right under the Fifth Amendment not to

16 answer that question.

17 (Deposition Exhibit No. 13 was marked

18 for identification.)

19 Q. (By Mr. Grindeland) Do you recognize

20 Exhibit 13 to be another series of [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

24 Q. And I should have asked you this about

25 Exhibit 12; that three-month period, what three-month



1 Q. ICE produced it to you, gave you a copy of

2 it?

3 A. That's correct.

4 Q. Do you still have a copy of that?

5 A. I have no idea.

6 Q. When did you see that?

7 A. Within the last week.

8 Q. It looked different than this one?

9 A. It looked different than this one.

[REDACTED]



[REDACTED]





Category	Percentage
1	45%
2	95%
3	88%
4	48%
5	98%
6	25%
7	100%
8	82%
9	52%
10	90%
11	100%
12	95%
13	20%
14	10%
15	30%
16	75%
17	92%
18	15%
19	28%
20	68%
21	35%
22	22%





1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13

MR. GRINDELAND: We're over another hour

14

here. Let's take another short break. We're close to

15

done.

16

(Recess.)

17

(Deposition Exhibit No. 18 was marked

18

for identification.)

19

Q. (By Mr. Grindeland) I've handed you what's

20

been marked as Exhibit 18 to your deposition.

21

Is that an email you've seen before?

22

A. I have not.

23

Q. It's an email that was produced by

24

Customs and Border Protection, an internal email. It

25

doesn't look like you were an addressee on it.



1 You've had a chance to review it, right?

2 A. I have.

3 Q. Do you know what incident that email is
4 talking about? Do you remember that incident?

5 A. I do not.

6 Q. You don't remember back in November 2009
7 calling the Border Patrol to complain about an agent
8 contacting one of your employees on your property?

9 A. I don't recall it.

10 Q. But that's something that's occurred from
11 time to time over the years, right?

12 A. That's correct.

13 Q. After the incident with Agent Egbert back on
14 March 20, 2014, did you intentionally shine your
15 high-beams on a Border Patrol vehicle that was parked
16 at the end of your driveway?

17 A. He was parked in my driveway, and yes.

18 Q. That wasn't Agent Egbert, right?

19 A. I have no idea. We had the highs on and we
20 couldn't see who the agent was.

21 Q. Well, did an Agent Jesse MacArthur get out
22 of the vehicle and chat with you?

23 A. I do not recall.

24 Q. Do you remember if the agent got out of the
25 car and talked to you?



1 A. I do not recall.

2 Q. You shined your high-beams on his vehicle

3 because you were annoyed that he was on your property,

4 right?

5 A. Well, he was blocking the driveway.

6 Q. Okay.

7 A. People couldn't get in, they couldn't leave.

8 Q. Did you also around that time, the week

9 after the incident with Agent Egbert, take photographs

10 of agents who were on or near your property?

11 A. Chief Luna asked me to take a picture,

12 pictures of the agents if they were parking on our

13 property. Yes.

14 Q. And you did that, you took some pictures?

15 A. Yes.

16 Q. Do you still have those photos?

17 A. I do not, no.

18 Q. Where are they?

19 A. They were in my phone.

20 Q. And they're just gone now?

21 A. That's correct.

22 Q. So there's no way to recover them that you

23 know of? There's no copies? You didn't give copies

24 to your attorney or to Chief Luna or something?

25 A. No.



1 Q. To [REDACTED] maybe?

2 A. I don't think we gave them copies. We
3 showed them to them.

4 Q. To Chief Luna?

5 A. And to [REDACTED]

6 Q. Okay.

7 A. And it was after that that they started
8 parking on West 99th, not on our turnaround or in our
9 driveway.

10 (Deposition Exhibit No. 19 was marked
11 for identification.)

12 Q. (By Mr. Grindeland) So Exhibit 19 is an
13 email that Customs and Border Protection produced that
14 discusses an incident back in 2012 where Border Patrol
15 apprehended three Guatemalans who'd crossed the
16 border.

17 Do you see that?

18 A. Yes.

19 Q. What I wanted to ask you about was the
20 second paragraph in Exhibit 19 where this Border
21 Patrol agent noted that you had charged this family of
22 three \$200 for a room and \$400 for a cab ride to the
23 bus station.

24 Do you see that?

25 A. Yes.



1 Q. Does that sound correct to you?

2 A. It does not. But I don't recall the
3 incident at all.

4 Q. Is it possible you charged this family of
5 three that crossed the border \$600 for a ride to the
6 Greyhound Bus Station in Bellingham?

7 A. It is highly unlikely, but that doesn't mean
8 that it might not have happened.

9 Q. The drive to the Greyhound Bus Station from
10 Smuggler's Inn would take about a half hour?

11 A. No. It's about 45 minutes, by the time you
12 drop them off, and it's another 45 minutes back.

13 Q. But you called and alerted Border Patrol so
14 they could apprehend these folks within a few blocks
15 of your house?

16 A. That's not correct.

17 Q. What's not correct about it?

18 A. I didn't call the Border Patrol.

19 Q. So back in 2012 -- I'm sorry. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

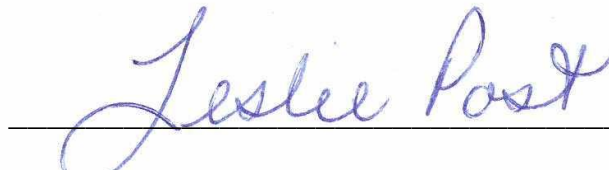
[REDACTED]



REPORTER'S CERTIFICATE

I, LESLIE POST, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify that the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were by me duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; that a review of which was requested; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND AND SIGNATURE THIS 4TH DAY OF JUNE 2018.



LESLIE POST

Washington State Certified Court Reporter No. 2378



KENNETH ANDERSEN; June 01, 2018

1

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ROBERT BOULE,
Plaintiff,
vs.
ERIK EGBERT and JANE DOE
EGBERT and their marital
community,
Defendants.

No. 2:17-cv-00106-RSM



ERIK EGBERT,
Counterclaimant,
vs.
ROBERT BOULE,
Counterdefendant.

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION
OF
KENNETH ANDERSEN

10:14 A.M.

JUNE 1, 2018

1431 SUNSET AVENUE

FERNDAL, WASHINGTON

REPORTED BY: LESLIE POST, CCR No. 2378



206 622 6875 | 800 831 6973
production@yomreporting.com
www.yomreporting.com

Exhibit B

1 2014, is -- was Smuggler's Inn part of the area that
2 the agents you were supervising were patrolling?

3 A. Yes.

4 Q. So Smuggler's Inn falls within the
5 jurisdiction, so to speak, of the Blaine Station?

6 A. Absolutely.

7 Q. Have you -- prior to the incident with
8 Agent Egbert and Mr. Boule, had you been on the
9 Smuggler's Inn property?

10 A. Many times.

11 Q. Can you estimate at all how many times you
12 had been on there? Is it a matter of hundreds?

13 A. Yeah, yes. I was there daily.

14 Q. Why were you there daily?

15 A. It was part of -- it's right on the
16 international border. There's a lot of alien traffic
17 back and forth in that area.

18 Q. And when you say there's lots of alien
19 traffic back and forth in that area, could you explain
20 what you mean by that so the jury can have the context
21 of --

22 A. Okay.

23 Q. -- what happens at Smuggler's Inn?

24 A. Yeah. Aliens get dropped off by vehicles on
25 the Canadian side and run north -- or south, excuse



1 [REDACTED] .

2 Q. So would -- is it accurate to say that the
3 Smuggler's Inn is one of the few locations where the
4 most crossings happen?

5 A. Well, there's -- I would say there's more
6 than a few. But it's one of the target areas that
7 we're always concerned about at the station.

8 Q. You said you worked at the Blaine Station
9 for -- not 16 -- I guess the -- you worked in Arizona
10 for 16 years and then you spent the remainder of your
11 time in Blaine?

12 A. Yes.

13 Q. Did you live in the Blaine area --

14 A. Well --

15 Q. -- during that time?

16 A. -- I live in Bellingham.

17 Q. Do you know Mr. Boule?

18 A. I know who he is. I -- I'm not -- I've met
19 him. I don't think I've ever formerly introduced
20 myself. I might have. But I know who he is.

21 Q. Do you remember about when you became
22 familiar with who he was?

23 A. Probably the first day I was at
24 Blaine Station.

25 Q. And that was -- when did you start at the



1 Blaine Station?

2 A. April 2008.

3 Q. Why would you have become familiar with him
4 the first day on the job?

5 A. His area was an irritant, the hotel itself
6 was a constant source of aggravation with the aliens
7 being hidden in there and running back and forth.
8 Just the activity in the area.

9 Q. Did you use the word "irritant"?

10 A. Yes, I did.

11 Q. What did you mean by that?

12 A. Well, because the aliens would go -- would
13 run -- either -- either he would pick them up from the
14 airport and drop them off and take them to his hotel,
15 they would stay in there. So they're kind of hiding
16 in his -- in his hotel. We weren't sure all the time
17 of their citizenship. And without -- without enough
18 cause, you can't do a knock-and-talk and go in and
19 through the house and question everybody in there, you
20 know, due to the Fourth Amendment.

21 But then later on in the night sometime,
22 usually at midnight hours, late at night they would
23 run into Canada. And the same the other way. They
24 would get dropped off in Canada and run into his hotel
25 in the middle of the night, 2:00 in the morning. He



1 lived there, too, so it was -- I mean, who leaves
2 their back door open in the middle of the night? You
3 know, but aliens would run in there and a lot of times
4 we would go in and find the aliens hiding in the
5 house. But it was just -- it's just a -- that's what
6 I mean by "irritant." It was a constant, you know,
7 there's aliens in the hotel again, there's -- you
8 know, we don't know their citizenship. Then they go
9 south or north that day. It was a constant irritant.
10 It might have not -- not have been as aggravating to
11 some people as it was me, but it was aggravating to
12 me.

13 Q. Was what was aggravating to you the fact
14 that there was such a high-traffic area or was there
15 something about Mr. Boule particularly?

16 A. No. It's just that it seemed like nothing
17 was ever done about it. You know, there's lots of
18 cases like that where it seems like [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12 Q. What was Mr. Boule's involvement in the

13 alien trafficking at Smuggler's Inn?

14 A. Well, I can't speak to it, I mean, exactly

15 what he was doing, because I wasn't a witness, I

16 wasn't participating.

17 But I mean, the aliens would come into his

18 Inn at night from Canada and hide in there and then --

19 then his shuttle would leave in the morning, sometime

20 during the day, and they'd be in the -- they'd be in

21 the shuttle going to the airport. Or they would come

22 from the United States, either just arrive there by

23 car or he would pick them up from the airport, either

24 Seattle or Bellingham, and take them to the Inn. And

25 these usually had visitors' visas. So they entered



1 the United States legally, and we all believed and it
2 was proven that they entered the United States
3 through -- with visitors' visas to go into Canada to
4 claim asylum.

5 But anyway, he would house them there, and
6 we believed that he was -- you know, he'd get the
7 money for the aliens, for the hotel stays and the
8 rides and all that, and then I'm not sure if he was
9 being paid by smugglers or a combination of smugglers
10 and the aliens. But he was -- he was making money
11 from that.

12 And then also this is true with other
13 smugglers, too, the aliens would come into the -- to
14 his hotel from Canada, he would be paid for rides to
15 the airport, [REDACTED]

[REDACTED] then we
17 would arrest them before they got a ride down to the
18 airport.

19 That's a common tactic with alien smugglers,
20 people that are harboring, they get the money from the
21 aliens and then they call Border Patrol to come arrest

22 them so they don't have to continue with their
23 furtherance. That's what I think. It's a common
24 belief, and I'm sure there's reports out there in
25 Blaine and other stations in the country that



1 substantiate this through witness interviews and
2 stuff.

3 Q. About Mr. Boule?

4 A. Yes.

5 Q. So am I understanding correctly that you
6 suspected or the Border Patrol in general -- agents in
7 general suspected that he would be paid by aliens for
8 transportation to the airport, for example, [REDACTED]

[REDACTED],
10 but he wouldn't -- he would keep the money --

11 A. Yes.

12 Q. -- that they paid him?

13 A. Yes.

14 Q. Even though he didn't render the services?

15 A. Absolutely, yes.

16 MR. BOOS: Objection to what is maybe more
17 of a rough restatement than what he said, but I won't
18 object to the content.

19 Q. (By Ms. Carsley) Is what I said an accurate
20 summary of what you told me?

21 A. Yes.

22 Q. In terms of Mr. Boule accepting money for
23 services that he didn't render, we talked about how
24 there were rides that he didn't give aliens because he
25 would report the aliens prior to completing a ride,



1 did Border Patrol and you suspect that this also
2 happened with money he would receive for rooms at his
3 hotel?

4 A. Yes.

5 Q. So he'd be paid for a night's stay at his
6 hotel, but the aliens who were staying at his hotel
7 wouldn't stay the night?

8 A. Usually they left in the middle of the night
9 and ran into Canada.

10 Q. And you said it's common for individual who
11 are smugglers or who are harboring aliens not to
12 refund funds for services that aren't rendered?

13 A. Yes, that's common. It's very common.

14 Q. And you know that based on your years of
15 experience --

16 A. Yes.

17 Q. -- and training?

18 A. Yeah. I've interviewed aliens that have
19 told me they paid for rides and stuff like that and
20 there's nothing I could do about it. I could try to
21 get the driver, the taxicab driver, the smuggler, to
22 give them their money back, but they're not going to
23 do that, you know.

24 Q. Is that something that Border Patrol in
25 general tries to help aliens with is getting refunds?



1 A. It's -- you might ask, but it's not really a
2 priority. I mean, you've got other things to do. The
3 aliens made the choice to enter the country and deal
4 with the smugglers, so you -- I guess you make your
5 decisions and have to live with them. But there are
6 agents who try to get the money back. But it's not
7 something you would try to make a priority every time
8 you caught a load of aliens.

9 Q. Because you have so many other competing
10 priorities?

11 A. Yeah, there's lots of -- you've got to
12 process them, so it's not a priority.

13 Q. So your understanding was that Mr. Boule
14 knew that the individuals who were booking rooms at
15 his Inn were booking rides with him intended to cross
16 the border illegally?

17 A. I believe so, yes.

18 Q. Let me back up for a second.

19 Is it legal to cross the border at the
20 Smuggler's Inn?

21 A. No.

22 Q. Where is it legal to cross the border in the
23 Blaine area?

24 A. On foot at ports of entry, to be inspected.

25 Q. So it's not -- it's not legal for anyone to



1 cross at the Smuggler's Inn?

2 A. No.

3 Q. You said that you, while you were working as
4 a supervisory Border Patrol agent in Blaine, probably
5 had daily interactions with Mr. Boule.

6 A. Not daily. Once or twice a week, the
7 average, couple times a week probably.

8 Q. Did most of those interactions happen at the
9 Smuggler's Inn?

10 A. Yes.

11 Q. And those interactions were related to
12 illegal border crossing or suspected illegal border
13 crossing?

14 A. Yes.

15 Q. Was Mr. Boule helpful to law enforcement
16 during those interactions?

17 A. Sometimes he was and sometimes he wasn't.

18 Q. Would you explain that a little more?

19 A. It seems like if he was getting his way he
20 was cordial and would help us, but if he -- for
21 instance, he got mad at us on more than one occasion
22 and tried to demand that we not be on his property and
23 couldn't patrol the area because he'd be mad at us for
24 questioning aliens, stopping aliens before they got
25 into his hotel. So it was -- it was playing both



1 sides.

2 Q. Why would he be mad at a Border Patrol agent
3 for questioning an alien?

4 A. Because we would stop the people that were
5 on his property if we believed -- if we had a
6 suspicion that they were illegally entering the
7 country and question them and try to document their
8 citizenship, and if we took them away before he got
9 reimbursed before any hotel bills or rides, he
10 wouldn't get paid.

11 Q. But if, for example, he had already been
12 paid for services, maybe on those occasions he would
13 be more helpful to Border Patrol's enforcement
14 activities?

15 A. Possibly. I mean, I can't speak to a fact,
16 but that's what we believed, you know. Most of the
17 ones we caught there were -- they had -- without his
18 interference or without -- without any question,
19 excuse me, without him having any input was the ones
20 that had -- were the ones that had immediately entered
21 that we had apprehended. You know, otherwise they'd
22 been at his hotel for awhile or -- you know. But if
23 they had just immediately entered, I mean, there was
24 no questions whether -- he had no input on whether
25 we'd take them or not and he probably didn't complain



1 A. At times. Mostly he was -- most of the time
2 he was fairly cordial, fairly. He was nice. And
3 there was lots of times we went into the hotel in the
4 middle of the night to find these aliens that had just
5 entered from Canada, and he did let us into the --

6 there's two building on the property. One is the main
7 house and then there's a -- I think it's called a
8 carriage house. It's like a big shop. There's a
9 bunch of cots in there and people stay in there.

10 He let me in there and other agents in there
11 a few times. [REDACTED]

[REDACTED] So he
13 would let us in and then we would arrest these aliens
14 and take them back to the station.

15 So I don't know if he -- I mean, we believe
16 that he'd already been financially reimbursed for the
17 stays, paid by the smuggler or paid by somebody,
18 whoever, so he wasn't really resistant to us taking
19 the aliens.

20 Q. I think you said earlier that you had the
21 impression that Boule was playing both sides?

22 A. Uh-huh.

23 Q. And what did you mean when you said that?

24 A. Well, he was -- [REDACTED]
[REDACTED]



1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] and

7

at the same time harboring illegal aliens and

8

furthering their entry into the United States and/or

9

Canada.

10

Q. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



1 [REDACTED]. We would just hear,

2 Well, there's three aliens at the Inn, there's four

3 aliens at the Inn, there's, you know, Pakistanis or

4 Afghanis or Iranians or whatever they were. [REDACTED]

6 That's all.

7 Q. So if I'm understanding correctly, it sounds

8 like the hard part of this relationship was then left

9 to Border Patrol to --

10 A. Oh, yeah, yeah. Unless we said no. I tried
11 to say no sometimes, but that doesn't go -- I mean,
12 I've got a boss, you know, that only goes so far, you
13 know.

14 Q. And what would -- what would Mr. Boule do to
15 not be helpful for Border Patrol when Border Patrol
16 showed up to do the apprehensions?

17 A. He would try to mainly run the aliens into
18 the hotel before we got there or just try to stop us
19 from questioning them.

20 I did a lot of vehicle stops where he would
21 not protest at all. But we knew the alien was illegal
22 coming out of the hotel, and he would leave and not
23 want us to stop the -- not want us to apprehend the
24 alien at the hotel, [REDACTED]



1

[REDACTED]

[REDACTED] do a vehicle

3 stop, grab the alien and take off without any question

4 at all. Those are the instances we believe he's

5 already paid by the alien or smuggler or whoever, so

6 he didn't care. He was supposed to take them to

7 Seattle or Bellingham, so he didn't have to drive

8 there and he still got his money.

9 Q. Why do you think he wasn't helpful when

10 Border Patrol was trying to do the apprehensions at

11 the hotel?

12 A. Because -- probably because he hadn't been

13 paid yet.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



1 a room at a time?

2 A. Uh-huh, yes. And there's rooms upstairs,
3 too, but I've never been in them, so I don't know what
4 they're configured like. Yeah.

5 Q. But the cots in the carriage house, that
6 doesn't sound to me like a typical -- that -- what one
7 would picture as a bed and breakfast?

8 A. It didn't seem like it was, no. More like a
9 barracks room.

10 Q. You also mentioned that Mr. Boule kept his
11 doors unlocked?

12 A. Yes.

13 Q. Why do you think he did that?

14 A. I think because he was -- people -- so
15 people -- people could run into the hotel in the
16 middle of the night without being deterred. That's
17 the only reason I can think of.

18 Q. So you were involved in apprehensions of
19 aliens both at his property and that occurred on the
20 side of a road from when he was giving aliens a ride
21 to an airport?

22 A. Yes.

23 Q. Did you ever have any written communications
24 with Mr. Boule, emails or text messages?

25 A. No.



1 Q. Just let us know.

2 So it sounds like after the incident
3 between --

4 MR. BOOS: Objection, Counsel. He didn't
5 say anything about the incident between Mr. Boule and
6 Mr. Egbert. You can't put words in his mouth.

7 Q. (By Ms. Carsley) It sounds like after the --
8 if I'm understanding correctly, after the incident
9 between Mr. Boule and Agent Egbert, the relationship
10 between Border Patrol and Mr. Boule changed?

11 A. Yes, that's what I said.

12 Q. You said that Mr. Boule attempted to -- you
13 said words to the effect of that Mr. Boule attempted
14 to ban Border Patrol from his property?

15 A. He did.

16 Q. And what do you -- what do you mean by that?

17 A. Well, he's not technically allowed to,
18 because anywhere within 25 miles of the border we
19 can -- we can be and patrol the border. But as a
20 courtesy to prevent -- to deescalate the situation, ■

23 Q. Prior to what happened between Agent Egbert
24 and Mr. Boule, Border Patrol would sit on Mr. Boule's
25 property and monitor the border?



1 A. At times, yes.

2 Q. Did this, quote, unquote, ban from his
3 property, did that happen at any point prior to the
4 incident in your memory?

5 A. No, I don't remember -- I don't think it
6 did.

7 Q. And it was after the incident between
8 Mr. Boule and Agent Egbert that Mr. Boule started
9 filming Border Patrol activity?

10 A. Yes, yes.

11 Q. You said that mister -- you thought
12 Mr. Boule was aggravated with Border Patrol after the
13 incident?

14 A. Yes, very aggravated.

15 Q. Was there something specific that aggravated
16 him other than the incident?

17 A. No. I think it was just the incident.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

23 Q. But would mister -- would Border Patrol --
24 were there instances when Border Patrol would still go
25 on his property after the incident?



1 A. Absolutely. If there was suspicion of
2 illegal aliens or illegal activity, then we definitely
3 were on his property.

4 Q. And Border Patrol is entitled to do that
5 under the 25-Mile Rule?

6 A. Absolutely.

7 Q. Was there other illegal activity that
8 happened around the Smuggler's Inn other than just
9 alien smuggling?

10 A. There was narcotics. I was only involved in
11 one incident with narcotics and it was some opium-type
12 plant that Indians use. I can't remember the name of
13 it right now. I'd never heard of it before. We
14 didn't know what to do with it when we caught it.

15 Q. Was that Doda?

16 A. Yeah, that's it, Doda. You're good. Yeah,
17 Doda. Yeah. That's the only narcotics that I
18 remember that I was involved in.

19 Q. Was your understanding that there were also
20 drugs being smuggled across the border at
21 Smuggler's Inn even though you weren't involved?

22 A. Yeah, there were narcotics being smuggled in
23 the area for sure. I just was never involved in any
24 of them.

25 Q. And when you say "in the area," you mean at



1 But as time went on, it seemed like there was less and
2 less of that, and then almost none of it.

3 Q. And when you say "almost none of it," what
4 was -- what's that time period when it -- when it
5 seemed that he had no legitimate guests?

6 A. Well, three, four years at least, where it
7 seemed it was kind of empty, like there was nothing
8 going on there except for the alien traffic back and
9 forth across the international boundary.

10 Q. And what time period was that? Would that
11 have been in --

12 A. Say, you know, 14 to 17, 13 to 17. It was
13 quite awhile where it seemed like it was kind of
14 quiet.

15 Q. It seemed like the only business there was
16 alien trafficking?

17 A. Yes.

18 Q. And you had that hunch from being on the
19 property regularly?

20 A. Well, yeah. I -- you could see plenty, if
21 people were there or not, and the parking lot is right
22 in front. And I've been inside there a couple times
23 and it didn't seem like it would be a place where you
24 and I would visit. It was -- it smelled like dogs and
25 it was just kind of not really clean and stuff. But



1 anyway, that's just my opinion. But yeah, I noticed,
2 you can tell when people are there.

3 Q. You can tell when people are there because
4 there might be cars parked in the driveway?

5 A. Yes. And people -- and people -- he had a
6 gazebo in the middle where he would put out food and
7 they would sit, you know, have dinner, stuff like
8 that. There would be people milling around when there
9 was a party there, a large group of people. You can
10 tell if it was empty or not.

11 Q. Did you see many big events happening at the
12 Smuggler's Inn?

13 A. When I first got there, there was a handful.
14 Not a -- not a lot, but a handful of them.

15 Q. And over time that stopped?

16 A. Yes.

17 Q. So around the 2017 -- or excuse me, 2014
18 time frame, you would say there were no longer any big
19 events?

20 A. That's a guess, I would say.

21 Q. I'd like to talk about what you know about
22 the sources of Mr. Boule's income.

23 We talked about one source of income being
24 smugglers paying him to traffic aliens across the
25 border.



1

7 Q. Would Mr. Boule provide information or tips
8 to Border Patrol?

9 A. I don't remember. I don't believe so. No,
10 I don't think so.

11 I know that the day that Egbert and him got
12 in their little argument, that he had told Egbert that
13 a person he was picking up from the airport either had
14 questionable immigration status or something. That's
15 why Egbert was down there questioning the alien. But
16 as far -- regularly, no, he didn't call us and give us
17 any information, I don't believe.

18 Q. So did it seem unusual on the day of the
19 incident that Mr. Boule had passed along this tip to
20 Agent Egbert?

21 A. Yes, yes.

22 Q. And that would be a reason for Agent Egbert
23 to investigate the tip?

24 A. Absolutely, yes. If Boule told him that the
25 alien -- he believed the alien could have been illegal



1 and said, "Come on down and question him," then, yeah,
2 of course. I mean, you're invited on the property.
3 Absolutely.)

4 Q. And you would have expected one of your
5 Border Patrol agents to do that?

6 A. Yes. Egbert and I talked beforehand, he
7 came down and talked to me and said, "Boule told me
8 there was a guy that he's picking up at the airport
9 that could possibly be illegal." And he was very
10 cordial when he was talking to Egbert.

11 And then he said that Boule was going to
12 call him when he went there -- or Egbert was going to
13 go there and when Boule showed back up he was going to
14 question the alien, they already talked about it, him
15 and Boule.)

16 I said all right. So I was in the area
17 waiting and then -- then Egbert called me down there.

18 Q. Let's go ahead and --

19 MS. CARSLEY: Unless anyone wants a break,
20 I'm ready to move to talking about the incident.

21 MR. BOOS: I could use a break.

22 MS. CARSLEY: Okay.

23 THE VIDEOGRAPHER: Going off the record now,
24 the time is 11:10.

25 (Recess.)



1 (Deposition Exhibit No. 3 was marked
2 for identification.)

3 THE VIDEOGRAPHER: We are back on the record
4 at 10:23.

5 Q. (By Ms. Carsley) Is it accurate to say that
6 in your almost ten years of experience of dealing with
7 Mr. Boule and your experience at the Blaine Station,
8 that your opinion was that Mr. Boule actively assisted
9 and facilitated alien smuggling at his property?

10 A. Yes.

11 Q. You understand that Mr. Boule has brought
12 this lawsuit against Agent Egbert for an encounter
13 that happened at Smuggler's Inn on March 20th of 2014?

14 A. Yes.

15 Q. You were present at Smuggler's Inn after the
16 encounter between those two individuals, correct?

17 A. Correct.

18 Q. Were you on duty that day?

19 A. Yes.

20 Q. Wearing your full uniform?

21 A. Yes.

22 Q. Agent Egbert was one of the agents you were
23 supervising?

24 A. Yes.

25 Q. What interactions did you have with



1 Agent Egbert that day prior to what happened with
2 Mr. Boule?

3 A. In the morning at muster and then when we
4 gave everybody their assignments and all that. And
5 then when he had called me on the radio to meet with
6 him about a discussion he had with Mr. Boule about the
7 alien that he thought was illegal that he was going to
8 pick up from the airport.

9 Q. So what was it that you recall Agent Egbert
10 described about the interaction he had with Mr. Boule?

11 A. He said that he and Mr. Boule were talking
12 and Mr. Boule told him that there was an alien he was
13 going to pick up at the airport that was possibly
14 illegal for some reason, and that when the guy came
15 back -- when Mr. Boule came back with the alien, he
16 was going to -- it was okay if Egbert went down and
17 questioned him. That's what Egbert told me. I said
18 all right, and he took off and went to the area and
19 waited for him to show up at the hotel.

20 Q. Did you have any concerns about
21 Agent Egbert's plan to go and question the alien once
22 he arrived at Smuggler's Inn?

23 A. No. Because Egbert told me that Mr. Boule
24 was cordial and they were talking. And it was kind of
25 shocking really that he had been so forthright saying



1 this guy might be somebody you might want to look at,

2 he might be illegal.

3 I said, "Well, if he's go -- if he's down

4 for it, then go ahead, you know, no problem."

5 Q. And you agree, though, that was appropriate

6 for mister -- or for Agent Egbert to do --

7 A. Yes.

8 Q. -- to go and talk to the alien?

9 A. Absolutely.

10 Q. And at this time Border Patrol hadn't been

11 asked to stay off of Mr. Boule's property?

12 A. No.

13 Q. Do you agree that Agent Egbert had a duty to

14 investigate the information that Mr. Boule provided?

15 A. Yes, he did.

16 Q. I -- the court reporter put in front of you
17 what's been marked as Exhibit 3 to your deposition.

18 Do you recognize this document?

19 A. Yes, I do.

20 Q. What is it?

21 A. It's a memo that I wrote after the incident
22 between Mr. Boule and Agent Egbert, because he filed a
23 complaint -- or he complained. He didn't -- he didn't
24 file a complaint, as far as I know, an actual citizen
25 complaint, but he complained to me about the -- about



1 not stop harassing him and his customers."

2 Did I read that correctly?

3 A. Yes.

4 Q. What did that mean to you when Mr. Boule
5 said he would stop cooperating with Border Patrol?

6 A. He was probably referring to letting us on
7 his property, and we had [REDACTED]
[REDACTED] and stuff like that, I guess meaning that
9 he wouldn't let us do that anymore.

10 Q. But there wasn't any other kind of
11 cooperation he was providing, at least to
12 Border Patrol?

13 A. No.

14 Q. You also wrote, not the next sentence, but
15 the following one, "He stated that [REDACTED]
[REDACTED] and that he would not
17 allow Border Patrol agents, specifically Agent Egbert,
18 onto his property."

19 A. Uh-huh.

20 Q. Did I read that correctly?

21 A. Yes.

22 Q. So at this time, like you testified earlier,
23 agents were allowed to be on his property?

24 A. We went on the property, absolutely.

25 Q. When you arrived on the property, were you



1 hold on a second.

2 Yeah, he did say that -- that Egbert pushed
3 him.

4 Q. Do you remember if he said anything else
5 about what allegedly occurred between him and
6 Agent Egbert?

7 A. No.

8 Q. What was his demeanor like?

9 A. He was agitated. He was -- he was breathing
10 hard. He was -- he was upset, obviously upset. And I
11 believed it was because he -- Egbert was there talking
12 to the alien and all of the sudden he had changed his
13 mind about Egbert questioning the alien and he was mad
14 that Egbert was there.

15 And then as soon as I told Eg -- as soon as
16 I talked to Mr. Boule and got everything done, he
17 immediately grabbed the alien and ran him into the
18 hotel. So I believe even -- even more the reason that
19 he was upset because he hadn't gotten the alien into
20 the hotel yet and collected any funds from him.

21 Q. Did you talk to Agent Egbert at
22 Smuggler's Inn?

23 A. Briefly. But I think I told -- I told him,
24 "Let's get out of here to clear the area so we can --
25 not get this thing -- any more agitation from



1 Mr. Boule or me or anybody else. And let's clear the
2 area and go back to the office and then we decide --
3 we can talk about what happened and we can talk a
4 minute."

5 Q. What was Agent Egbert's demeanor like at the
6 Smuggler's Inn?

7 A. Calm, he was fine.

8 Q. So he wasn't upset or agitated or angry?

9 A. Not that I remember, no.

10 Q. Did it appear like there had been an
11 altercation between Mr. Boule and Agent Egbert?

12 A. I didn't see any evidence of any injuries on
13 Mr. Boule. I didn't inspect his skin or anything. I
14 just looked at his clothes. I didn't see any dirt on
15 him or any evidence there had been a scuffle or
16 anything like that. There was no sign to be cut
17 because it was -- there was no -- it was concrete, so
18 I couldn't tell if anybody had a fall and then made
19 any scuffs on the ground or anything. It didn't
20 appear like -- he was just breathing hard and like he
21 was -- he was upset, that's about all I could get from
22 it.

23 Q. But you didn't see any dirt or anything on
24 his clothes --

25 A. No.



1 Q. -- like he had been on the ground?

2 A. I didn't see any evidence of him being in a
3 fight or falling down or any cuts on his hands and he
4 didn't show me any.

5 Q. Did he appear to be injured to you?

6 A. No.

7 Q. Did he complain of any injuries to you?

8 A. No.

9 Q. Did you see a -- any dents in a car?

10 A. No. I didn't see any evidence of any
11 scuffle at all.

12 Q. You said that he walked -- that once you --
13 am I understanding correctly once you had talked to
14 Mr. Boule, he quickly then went over to his car, got
15 the alien who had arrived and walked fast --

16 A. He ran, ran him to the hotel. He was
17 pushing him and running to the hotel to get him out of
18 there as quick as possible.

19 I don't know if Egbert had questioned the
20 alien or not. I didn't know if the alien had --
21 Egbert had questioned the alien or not at that point.
22 I think Egbert and Olson had walked toward -- up to me
23 at that point as Boule walked away and grabbed the
24 alien and hurried him into the hotel.

25 Q. When he was in a rush to get into the hotel,



1 A. About this individual here?

2 Q. Yes.

3 A. About the alien? No, no. Mr. Boule told
4 Egbert that this guy was possibly illegally in the
5 country and he was somebody that we might want to talk
6 to. But we had no visa or passport information for
7 this alien at all.

8 Q. You agree that Agent Egbert had authority as
9 a Border Patrol agent under these circumstances to
10 enter Mr. Boule's property and investigate the alien?

11 A. Yes. That's probable cause. The owner of
12 the hotel told him that he thinks that the -- the
13 person is illegal. That's almost probable cause, if
14 not -- I don't know what's between reasonable
15 suspicion or probable cause, but that's pretty close
16 to it, you know.

17 Q. Then on the next page of your report, on the
18 first paragraph, discusses the long documented history
19 of illegal and legal aliens at Mr. Boule's property,
20 correct?

21 A. Yes.

22 Q. Did you reach any conclusions about whether
23 Mr. Boule's accusation that Agent Egbert pushed him
24 was true?

25 A. I didn't believe it was true based on what I



1 saw at the -- at the hotel. I mean, no injuries to
2 Mr. Boule. I mean, he's an older guy and not in very
3 good shape, so I think if he would have been pushed
4 down on the ground or if there had been a -- any type
5 of confrontation, that he would shown some type of
6 injury or something, or shown me.

7 I've complained to -- I've responded to
8 citizen complaints before of agents putting their
9 hands on them for one reason or another and, you know,
10 people show injuries and you document it and take them
11 into the office and stuff like that and, you know, we
12 go through a process, the FBI is called, agent
13 assault, and stuff like that. He didn't provide
14 anything like that, any evidence of any injuries.

15 Q. So that process was not completed with --

16 A. No.

17 Q. -- respect to this --

18 A. Huh-huh.

19 Q. -- incident?

20 So you didn't trust that Mr. Boule was
21 telling the truth?

22 A. No.

23 Q. Do you know of other instances when
24 Mr. Boule has been dishonest?

25 A. Other than him harboring illegal aliens. I



1 because then he has no -- I mean, he didn't let them
2 in theoretically, so he doesn't know they're in there,
3 which we always thought was -- that was part of the
4 agitate -- the aggravating part of the whole thing.
5 If it's your house there and it's -- the international
6 boundary's right there and aliens are constantly
7 running into your -- the back door of your house and
8 hiding in the downstairs part of your house, you would
9 do something about it, a normal, reasonable person
10 would do something about it, but that didn't happen.
11 That's why we believed he was harboring aliens.

12 Q. And what you described, aliens running
13 across the border and entering his home, that happened
14 on hundreds of occasions?

15 A. It could be hundreds over ten years, I
16 suppose. At least hundreds of people. I don't know
17 exactly how many incidents. But hundreds of people,
18 I'll go that far.

19 Q. But it doesn't -- it wasn't just a handful
20 of occasions?

21 A. No, it wasn't -- it wasn't unusual. It was
22 common.

23 Q. I don't need you to repeat anything you've
24 told me, I just want to make sure that I fully
25 understand your answer to this question.



1 So what is your opinion of Mr. Boule's
2 character for truthfulness?

3 A. I wouldn't believe him. I wouldn't
4 believe -- I think he's a liar. I wouldn't believe
5 him if he was talking to me about something.

6 Q. Do you know anything about what his
7 reputation for truthfulness is?

8 A. I think if you talk to -- well, I don't know
9 about his reputation in the community, in Blaine or
10 anything like that. But if you talk to an agent or
11 law enforcement, you'd -- you'd get -- probably get
12 the same opinion, that he's less than truthful, a
13 liar, and smuggling aliens, harboring aliens.

14 Q. Have you heard Mr. Boule make accusations,
15 other than this incident, about Border Patrol agents
16 harassing him or his guests?

17 A. I don't think so. No, huh-huh.

18 Q. Are you aware of any incidents, including
19 the one with Agent Egbert, where Mr. Boule was
20 harassed or where his guests were harassed?

21 A. No.

22 Q. And this is by anyone. I'm curious if you
23 know about any harassment of Mr. Boule or his guests?

24 A. No, I don't -- I don't remember anybody ever
25 harassing him or his guests.



1 between Mr. Boule and Agent Egbert about how

2 Border Patrol was going to interact with Mr. Boule and

3 be on his property?

4 A. Yes, yes.

5 Q. Can you remember anything -- so the date of

6 this email is March 28th of 2014 --

7 A. Uh-huh.

8 Q. -- is that correct?

9 A. Yes.

10 Q. Do you think there was anything before that

11 date telling Border Patrol agents about the agreement

12 reached with HSI in regards to when Border Patrol

13 would be on his property?

14 A. There wasn't any, no.

15 Q. So this would have been the first or one of

16 the first?

17 A. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21 Q. I didn't say this earlier, but I want to

22 make sure you know that Exhibit 3, which was your

23 report, as well as Exhibit 4, these are marked

24 confidential, so these are some of the documents you

25 can't discuss outside of this litigation.



1 (Audio was played.)

2 Q. (By Ms. Carsley) Did Agent Egbert just say
3 "Bravo [REDACTED], Bravo [REDACTED]"?

4 A. Yes.

5 Q. Bravo [REDACTED] was your call sign?

6 A. Yes.

7 Q. So Bravo [REDACTED] was his?

8 A. Yes.

9 Q. I'll hit play again.

10 (Audio was played.)

11 Q. (By Ms. Carsley) A voice said "Go ahead," is
12 that correct?

13 A. That's me.

14 Q. Okay. I'm going to hit play one more time.

15 (Audio was played.)

16 Q. (By Ms. Carsley) Did Agent Egbert say

17 "Mr. Boule is requesting your assistance here"?

18 A. Yes, he did.

19 Q. Was that the first time you were notified
20 that Mr. Boule had requested your assistance on his
21 property on March 20th of 2014?

22 A. Yes.

23 Q. Was that an unusual call to receive?

24 A. The way he worded it it was unusual. But
25 no, it wasn't unusual. We respond to calls like that



1 you were -- I can play it again.

2 A. Yeah, I'm sorry, I can't remember their call
3 sign.

4 Q. That's fine.

5 A. That was Blaine Sector Radio line, I
6 recognize the voice.

7 Q. Okay. And so the radio was also
8 requesting -- let me play it again. I'm pressing play
9 one more time.

10 (Audio was played.)

11 Q. (By Ms. Carsley) Was this call dispatch
12 requesting a supervisor respond to --

13 A. Yeah.

14 Q. -- Mr. Boule's property?

15 A. Yes.

16 Q. Was this an unusual call?

17 A. I would say so, yeah.

18 Q. The next radio clip I'm playing is entitled
19 CBP 10007.

20 Do you see that?

21 A. Yes.

22 (Audio was played.)

23 Q. (By Ms. Carsley) Do you know who the voices
24 are on this radio call?

25 A. That's Olson, [REDACTED], and Egbert, [REDACTED].



1 Q. And Olson was telling Egbert his location?

2 A. Yes. He was telling him he was on his -- he
3 said, "I'm close" or "I'm on my way. Are you fine?
4 Do you have any -- do you need me there fast?" And
5 then Egbert came back saying he was Code ■, meaning
6 that he didn't need him to respond as it was an
7 emergency.

8 Q. When you're hearing Egbert's voice in that
9 recording, does he appear to be in distress at all?

10 A. No.

11 Q. The next call I'm going to play is entitled
12 CBP 100010.

13 Do you see that?

14 A. Yes.

15 Q. I'll press play.

16 (Audio was played.)

17 Q. (By Ms. Carsley) Do you know who Bravo ■
18 is?

19 A. I think that's Cole Addis, another
20 supervisor on dayshift.

21 Q. Was Agent Addis also involved in this?

22 A. No. He was in the office.

23 Q. So do you know why he'd be mentioned in a
24 recording?

25 A. Well, he probably heard the call and he



1 Q. Do you remember at all what you were talking
2 about for that period of a time?

3 A. He was just explaining to me what he -- what
4 had happened. But I don't know why it would take so
5 long. Probably talking about, you know, the reason
6 that Egbert was there.

7 And I can refer to my memo. But explained
8 that Egbert told me earlier that he had -- you know,
9 him and Boule had talked and that the alien that was
10 going to show up to the Inn and we need to look at
11 him, and that, you know, Egbert, based on that, his
12 discussion, was down there to inspect the alien's
13 citizenship. That's why we were down there. We had
14 every right to be down there based on our authority
15 and also the cause -- the probable cause, the
16 reasonable suspicion that the alien was illegal.

17 I also have written down here that I
18 explained to him, based on the history of illegal
19 alien -- alien traffic in the area, that we also had
20 more than reasonable suspicion to be on his property.
21 That's about it.

22 Q. Okay. I'm going to hit play at the video
23 again at 1300, 17 minutes and 38 seconds, correct?

24 A. Correct.

25 (Video was played.)



1 Q. (By Mr. Boos) So you and Mr. Egbert had
2 talked about going -- about Mr. Egbert going to
3 Mr. Boule's house to inspect an alien who was arriving
4 that day?

5 A. Yes.

6 Q. Earlier that day you had talked about that?

7 A. Yes.

8 Q. How many times did you talk about that?

9 A. Once.

10 Q. Okay. Did you suggest to Mr. Egbert that he
11 might need a warrant?

12 A. No.

13 Q. Okay. Would it have been possible for
14 Mr. Egbert to obtain the warrant?

15 A. He didn't need a warrant. If you have
16 reasonable suspicion to believe that there's illegal
17 activity or illegal aliens, you don't need -- you
18 don't need mere suspicion to question somebody walking
19 down the street, Border Patrol authority.

20 If a U.S. citizen -- if you approach a
21 U.S. citizen and they identify themselves as a
22 U.S. citizen, they don't have to talk to you. But if
23 you believe somebody is an illegal alien or an alien,
24 you can question them as to their citizenship, and
25 they have to, you know, talk to you.



1 further questions, sir. Thank you.

2 THE WITNESS: Thank you.

3 MS. CARSLEY: I just have a couple of quick
4 follow-ups.

5 THE WITNESS: Okay.

6

7

EXAMINATION

8 BY MS. CARSLEY:

9 Q. It's true that Mr. Boule purports to operate
10 the Smuggler's Inn as a commercial enterprise,
11 correct?

12 A. Yes.

13 Q. And the driveway at the Smuggler's Inn is
14 open to the public?

15 A. Yes.

16 Q. Be it legitimate guests or illegitimate
17 guests?

18 A. Yes.

19 Q. And in fact, that driveway is shared between
20 the main house and the carriage house?

21 A. Yes, and another property, a trailer across
22 the drive from it. I don't think all that property
23 there is his. But yeah, it's shared, it's a shared
24 driveway.

25 Q. Okay. And the driveway itself isn't private



1 in terms of anyone could see what's happening there?

2 A. No, it's not private.

3 Q. You testified earlier that Border Patrol
4 agents don't have a duty to stop illegal entry into
5 Canada.

6 A. No.

7 Q. But are there reasons why Border Patrol
8 agents would work to stop that even if it's not a
9 duty?

10 A. Yes. If they observe a crime happening and
11 somebody is trying to get away or running towards
12 Canada, then they would absolutely apprehend them,
13 person or people.

14 Q. Do you know anything about, for example,
15 issues about the relationship between the
16 United States and Canada that would cause
17 Border Patrol to try to prevent illegal entry into
18 Canada?

19 A. Well, it's more of a reporting thing to
20 Canada or assist them in surveilling areas. Blaine
21 has done that before. There was a -- there was a
22 group running guns into Canada from Blaine, so we
23 assisted them with that, arresting the gun-runners and
24 stuff like that. We worked together pretty good.
25 There's a unit that works together, I can't remember



REPORTER'S CERTIFICATE

I, LESLIE POST, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify that the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were by me duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; that a review of which was requested; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND AND SIGNATURE THIS 10TH DAY OF JUNE 2018.



LESLIE POST

Washington State Certified Court Reporter No. 2378



UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ROBERT BOULE,)
)
Plaintiff,)
)
vs.) No. 2:17-cv-00106-RSM
)
ERIK EGBERT and JANE DOE)
EGBERT and their marital)
community,)
)
Defendants.)

ERIK EGBERT,)
)
Counterclaimant,)
)
vs.)
)
ROBERT BOULE,)
)
Counterdefendant.)



VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF
PHILIP OLSON
VOLUME 2

2:03 P.M.
JUNE 1, 2018
1431 SUNSET AVENUE
FERNDAL, WASHINGTON
REPORTED BY: LESLIE POST, CCR No. 2378



1 Do you understand that you're testifying
2 today pursuant to that subpoena?

3 A. Yes.

4 Q. I also will hand you another witness fee
5 check for an additional \$40 for your attendance at
6 today's deposition which you're entitled to under
7 federal law. And I will coordinate with Ms. Johnson
8 to get you the mileage reimbursement that you're
9 entitled to.

10 A. I drove a government vehicle. Don't worry
11 about it.

12 Q. That makes it easy.

13 One of the subjects we're here to finish
14 your testimony about is Mr. Boule's relationship with
15 the Government.

16 Can you tell me what you know about

17 Mr. Boule's relationship with the Government?

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

[REDACTED]

[REDACTED]

[REDACTED]



CORRECTION & SIGNATURE PAGE

RE: BOULE vs. EGBERT, ET AL.

US DISTRICT COURT, WESTERN DISTRICT, AT SEATTLE;

No. 2:17-cv-00106 RSM

PHILIP OLSON; TAKEN JUNE 1, 2018

Reported by: LESLIE POST, CCR No. 2378

I, PHILIP OLSON, have read the within
transcript taken JUNE 1, 2018, and the same is true
and accurate except for any changes and/or
corrections, if any, as follows:

PAGE/LINE	CORRECTION	REASON
-----------	------------	--------

Signed at _____, Washington,
on this date: _____

PHILIP OLSON



REPORTER'S CERTIFICATE

I, LESLIE POST, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify that the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were by me duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; that a review of which was requested; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND AND SIGNATURE THIS 7TH DAY OF
JUNE 2018.



LESLIE POST

Washington State Certified Court Reporter No. 2378

